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## Board of County Commissioners Agenda Request 15

**Date of Meeting:** 10/8/2002

**Date Submitted:** 10/3/2002

**TO:** Honorable Chairman and Members of the Board  
**FROM:** Parwez Alam, County Administrator  
Gary W. Johnson, Director, Community Development Department  
**SUBJECT:** Ratification of Actions Taken at the September 17, 2002 Workshop on Development Review Thresholds and Quasi-Judicial Proceedings

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**Statement of Issue:**

Ratify Board actions taken at the September 17, 2002 Workshop on Development Review Thresholds and Quasi-Judicial Proceedings.

**Background:**

On September 17, 2002, staff conducted a workshop with the Board to present recommendations regarding revisions to the County's current land development review thresholds, and to provide the Board with information regarding the associated quasi-judicial proceedings. The workshop was scheduled at the direction of the Board as a result of several recent land development proposals reviewed by the County's Development Review Committee, including the proposed reopening of the Seminole Raceway and the proposed sitting of two broadcast towers.

**Analysis:**

At the workshop, staff outlined the current land development review processes and related thresholds. Staff also provided the Board with a summary by year of the total number of projects that have been reviewed under each development review process (Limited Partition Subdivisions, Type A, B, C, and D site and development plans). An overview of the five (5) projects (representing approximately one percent of the total projects reviewed) that had been appealed since 1996 was also presented to the Board. Staff then presented the Board with several options regarding possible revisions to the land development review thresholds. These included changing the numerical thresholds associated with each review threshold, and revising the threshold sections associated with the Type C review process to provide for the flexibility to elevate projects to the Board for review. The Board indicated during the workshop that the latter option was desired.

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Subsequent to the Board discussion with staff regarding the County's land development review thresholds, the County Attorney presented an overview of the optional quasi-judicial process for development approvals. During the presentation, the County Attorney outlined the issues that would be involved with the Board of County Commissioners becoming more involved with the development approval process. These issues included extended Board meeting times resulting from the formal hearing process, prohibition of ex parte communications (communications between the decision maker and the party or parties outside of the formal hearing), and the need to establish the special master process to the appeal process. The County Attorney recommended that the Board consider the adoption of a special master@ process consistent with recently adopted State enabling statutes.

During the workshop, the following Board direction was provided:

	Direct staff to begin the ordinance adoption process (Planning Commission Comprehensive Plan consistency review and Board adoption public hearings) for an amendment that would revise the threshold section for Type C site and development plans (Section 10-1479.1 of the Land Development Code) to provide the County Administrator or designee the ability to elevate Type B level projects to Type C level projects (final approval by the BCC) similar to the provisions currently in Section 10-1479.6 of the Land Development Code.
	Direct staff to incorporate a Type C level review requirement for all proposed broadcast towers into the draft Broadcast Tower Regulation Ordinance that is currently under development by staff with assistance from a BCC-appointed citizen's committee.
	Direct staff to draft a proposed ordinance implementing the special master process on specific types of development orders for Board consideration at a future Commission meeting.

**Options:**

1. Ratify actions taken at the September 17, 2002 Workshops on Development Review Thresholds and Quasi-Judicial Proceedings.
2. Do not ratify actions taken at the September 17, 2002 Workshops on Development Review Thresholds and Quasi-Judicial Proceedings.
3. Board Direction

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**Recommendation:**

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Option #1.

**Attachments:**

1. September 17, 2002 Development Review Thresholds Workshop Request
2. September 17, 2002 Optional Quasi-Judicial Process for Development Approvals Workshop Materials

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